THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.8204 of 2006

ORAL ORDER:

This writ petition is filed challenging the award passed by the Labour Court in I.D.No.194 of 2004 dated 11.4.2005.

It seems, one Vinod Kumar Sharma while working as Conductor, was removed from service on 28.2.2004 after conducting a detailed enquiry into the matter. It appears, the said Vinod Kumar Sharma died on 14.7.2004. Therefore, his legal heirs i.e. respondents 1 to 4 have raised a dispute before the Labour Court under Section 2A(2) of the Industrial Disputes Act, 1947. Though no oral evidence has been adduced on behalf of petitioners and respondents, but Exs.W1 and W2 were marked on behalf of respondents 1 to 4 and Exs.M1 to M27 were marked on behalf of petitioner-Management. After a detailed consideration of the material available before it, the Labour Court came to the conclusion that the punishment of removal from service is shockingly disproportionate to that of the misconduct alleged and set aside the removal order and directed for reinstatement of the workmen into service with full back wages and attendant benefits. Aggrieved by the same, management filed the present writ petition.

There is no necessity of going into all the details.

The workman was appointed w.e.f. 28.11.1996 and he was removed from service on 28.2.2004 and ultimately, he died on 14.7.2004, therefore, the back wages awarded is only for five months and may be the legal heirs are also entitled for certain service benefits, if any, I am of the opinion that no ground is made out calling for interference of this Court under Article 226 of the Constitution of India. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. The petitioner-management is directed to comply with the orders passed in I.D.No.194 of

2004 within a period of two months from the date of receipt of a copy of this order. No order as to costs.

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C.V.RAMULU, J

Date: 26.2.2007

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.8204 of 2006

26.2.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.8204 of 2006

Date: 26th February, 2006

Between:

The Depot Manager,
APSRTC, Falaknuma, Hyderabad.

.. Petitioner

And

Vinod Kumar Sharma (died),
Smt.V.Aparna & others.

.. Respondents